

BOARD OF SUPERVISORS

GILA COUNTY, ARIZONA

Date: March 2, 2004

JOSÉ M. SANCHEZ

Chairman

JOHN F. NELSON

Clerk of the Board

RONALD A. CHRISTENSEN

Vice-Chairman

By: Marian Sheppard
Chief Deputy Clerk

CRUZ SALAS

Member

Gila County Courthouse
Globe, Arizona

PRESENT: José M. Sanchez, Chairman; Cruz Salas, Member; Jacque Griffin, Assistant County Manager/County Librarian; and, Bryan Chambers, 2nd Chief Deputy County Attorney.

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Steve Stratton led the Pledge of Allegiance and Jeremy Goodman delivered the Invocation.

Chairman Sanchez advised that Vice-Chairman Christensen was excused from today's meeting as he is attending other meetings on behalf of Gila County. On February 10, 2004, the Board officially excused Vice-Chairman Christensen from attending several Board meetings in February and March, including this meeting.

At this time each Board member presented a brief summary of current events as allowed by A.R.S. §38-431.02(K). No action was taken on any items that were presented.

Chairman Sanchez called on Doug Muell, Manager for Loss Control, Arizona Counties Insurance Pool (ACIP), to address agenda item number 3, a request to revise Rule 10, Drugs and Alcohol, of Gila County's Merit System Rules and Policies. Mr. Muell advised that in recent months several incidences have occurred with CDL (commercial driver's license) operators not passing

drug and alcohol tests. As a result, ACIP has worked with several ACIP member counties to revise county policies that apply to drug and alcohol testing. Two revisions were made to Gila County's policy, as follows: 1) the policy which applies to regular employees was combined with the policy that applies to CDL operators, and 2) language addressing random drug and alcohol testing was added to the policy. Mr. Muell read aloud Sections 10.4 (A) and (B), and 10.2 (A) of the policy which states: *10.4 (A) Safety Sensitive.*

Employees and prospective employees including CDL operators whose positions are designated as "safety sensitive" are subject to alcohol and controlled substances testing under the following circumstances: 1. Pre-employment testing; 2. Post Accident testing; 3. Random testing; and, 4. Reasonable suspicion testing.

10.4 (B) Non-Safety Sensitive. Employees who do not occupy designated safety sensitive positions are subject to alcohol and controlled substances testing under the following circumstances: 1. Post accident testing; and, 2. Reasonable suspicion testing. 10.2 (A) The Post-Accident and Reasonable Suspicion provisions of this policy shall apply to all County employees. Additionally, the positions noted below are designated as "Safety Sensitive" and shall be subject to the Pre-Employment and Random testing of this policy: 1. CDL Operator I, II, & III;

2. Deputy Sheriff; and, 3. Detention Officer. The Board asked Mr. Muell to define "Deputy". Sheriff John R. Armer stated, "I've asked Susan Mitchell (Personnel Director) to throw all of our names into the hat so that the policy applies to the Sheriff, not just a Deputy Sheriff, Detention Officer and CDL Operator I, II, and III." Mr. Muell advised of the selection process to conduct random drug and alcohol testing. Gila County contracts with a laboratory to conduct its alcohol and drug tests. The names of all applicable employees are stored in a computer program operated by the laboratory and that program has the capability to randomly select the names of employees that will be chosen for random testing. Mr. Muell advised of training sessions that ACIP will conduct in the upcoming month for County employees, including supervisors. He provided a brief overview of the federal regulations that apply to CDL

operators. The Board thanked Mr. Muell for his presentation. Upon motion by Supervisor Salas, seconded by Chairman Sanchez, the Board adopted the revisions made to Rule 10 of Gila County's Merit System Rules and Policies as stated above.

Steve Stratton, Public Works Division Director, provided an update on the findings of a recent study conducted by the National Resources Conservation Service (NRCS) of the Roosevelt Estates area, which incurred severe flood damage earlier this year. As information to the audience, Mr. Stratton stated that on January 20, 2004, the Board of Supervisors directed the Engineering Department to review the NRCS study results and report back to the Board at a later meeting. Mr. Stratton advised that a team comprised of Engineering Department management and engineers toured the areas affected by the flooding and reviewed the NRCS study results. Through the use of an overhead screen, Mr. Stratton illustrated the area where the water broke away from the water channel. He stated, "The dike is useless. If the dike is rebuilt, it will need to be relocated to protect properties from the breakout areas." He then read a portion of the County Floodplain Engineer's report on the NRCS study results, which states that the repair of the dike as stipulated by NRCS will have little or no effect should a similar event occur. Mr. Stratton advised that the Engineering Department recommends that NRCS re-visit the affected areas to determine if there are alternate solutions to prevent future flooding. Mr. Stratton advised that the County has a Flood Control District and it is within the Board's authority to designate different zones within that District. He recommended establishing a flood zone within the affected Roosevelt Lake area. Mr. Stratton stated, "If you establish a flood zone and apply a secondary tax, it will benefit the people in that area." The Board, Mr. Stratton and Ms. Griffin entered into a discussion on the approximate cost of rebuilding the dike, the dollar amount that would be assessed to the secondary tax rate if a flood zone is established within the Flood Control District, the number of property owners that would be affected by the secondary tax rate, and the

responsibilities of the property owners once a flood zone is established. Supervisor Salas advised that before a vote would be taken by the Board to establish a flood zone, the Board would conduct public hearings to obtain input from the affected property owners. Chairman Sanchez agreed that the property owners need to be involved in the process because maintaining the flood zone area would be their responsibility. Supervisor Salas stated, "It behooves us to direct the Emergency Services Department to push these folks to obtain NFIP (National Flood Insurance Plan) flood insurance. No matter what the outcome, it will take some time to make changes and another flood could occur." Steve Stratton advised that his recommendation to the Board is for the Board to direct the Engineering and Emergency Services Departments to contact NRCS to request a re-visit of the site by NRCS to hopefully arrive at alternative solutions. On behalf of the Board, Supervisor Salas concurred with Mr. Stratton's recommendation. Supervisor Salas asked Mr. Chambers if a formal motion was required to issue the directive as stated by Mr. Stratton. Mr. Chambers replied that a formal motion was not required to issue this directive. He advised that Board approval must be obtained prior to any future actions taking place on this issue.

David Fletcher, Health and Community Services Division Director, requested approval to amend the Environmental Health Fee Schedule to add the following fees: Food Worker Training Certification Card - \$15, Manager Certification Training Card - \$5, and Replacement Food Worker Training Card - \$1. As information to the public, Mr. Fletcher advised that on January 6, 2004, the Board of Supervisors adopted Ordinance No. 04-01 which establishes policies and procedures for food service workers. He stated that the certification cards are necessary proof that the food service worker completed training requirements outlined in Ordinance No. 04-01. The Board asked Mr. Fletcher to provide a brief overview of the purpose of food worker training certification. Upon motion by Supervisor Salas, seconded by

Chairman Sanchez, the Board amended the Environmental Health Fee Schedule by adding fees as stated above.

Sharon Radanovich, Solid Waste Department Manager, requested waiving fees at the Russell Gulch Landfill on March 13-14, 2004, and at the Buckhead Mesa Landfill on April 17-18, 2004. She advised that the fee waiver will not apply to commercial haulers. Ms. Radanovich advised that the purpose for waiving the landfill fees is to encourage County residents to discard their properties of unwanted items and debris. The landfills will accept brush, all metal products, household trash, tires (excluding off-road tires), oil, and building debris. Recyclable products such as newspapers, cardboard, magazines, catalogs and office paper may also be disposed. Ms. Radanovich stated that the Solid Waste Department in partnership with the Globe Clean and Beautiful Committee held separate appliance drop-off and tire discard events in prior years. All items, as specified above, will be accepted during this year's event to further accommodate residential clean-up efforts. Supervisor Salas stated that waiving landfill fees in the past has proven to be an effective measure towards cleaning residential properties. Chairman Sanchez asked Ms. Radanovich to advertise this event in the local newspaper and on the radio. Ms. Radanovich replied that she was in the process of preparing the advertisements. Upon motion by Supervisor Salas, seconded by Chairman Sanchez, the Board authorized waiving landfill fees at the locations and dates specified above.

Agenda item number seven, approval of Consent Agenda items "A" through "P", was addressed at this time. Supervisor Salas recommended that agenda item 7(D), approval of an Intergovernmental Agreement (IGA) between the Public Works Division and the San Carlos Apache Tribe, be tabled. The IGA allows Gila County to provide maintenance on certain roads within the Tribe's Tonto Association and Anchor Seven Association boundaries. Supervisor Salas stated that he has been unable to reach Vice-Chairman Christensen to discuss Vice-Chairman Christensen's concerns regarding

liability issues. This agenda item was tabled at the Board's February 17, 2004, meeting at the request of Vice-Chairman Christensen. Supervisor Salas advised that this IGA has been in place with the San Carlos Apache Tribe for the past nine to ten years. He stated that the IGA was not renewed during the time that the three Supervisory roads programs were consolidated into one roads program. Supervisor Salas asked Bryan Chambers to address the issue of liability. Mr. Chambers replied, "Supervisor Salas, certainly whenever the County undertakes anything, as you've already stated, there is a liability. Not to have liabilities is not to be a County. Of course that is not an option for us. If this agreement is approved, there would of course be some liability concerns. As you also stated, we've been doing this for a long time. As to how big those concerns are, I am not sure that I qualify to tell you because I don't know the details of this maintenance project as well as maybe someone from Steve Stratton's department...." Mr. Chambers recommended that the Board ask Steve Stratton to address the issue. Supervisor Salas asked Mr. Stratton whether Vice-Chairman Christensen expressed any concerns regarding this IGA. Mr. Stratton advised that Vice-Chairman Christensen expressed a general concern regarding liability and possible compensation. He advised that Kenneth Hicks, Public Works Division Superintendent, expressed a concern for maintaining roads that have locked gates. Supervisor Salas advised that if there is a locked gate on a road, that road will only be maintained up to the gate. Mr. Chambers advised that the IGA contains an indemnification clause and proceeded to read aloud a portion of the IGA. The paragraph within the IGA referred to by Mr. Chambers is as follows: *"The TRIBE shall defend, indemnify, save and hold the COUNTY, its officers, agents, and or employees harmless from and against all liability claims, losses or damages arising out of the performance of this Agreement, and caused by any act or omission of the TRIBE, its officers, agents, and or employees. Likewise, the Tonto Association and Anchor Seven Association shall indemnify, save and hold the COUNTY, its officers, agents and or employees harmless from and against all liability, claims,*

losses or damages arising out of the performance of this Agreement and caused by any act or omission of the Tonto Association or Anchor Seven Association, as the case may be, their agents, officers or employees.” In concluding the discussion, Supervisor Salas advised that this agenda item will remain on the Consent Agenda. Chairman Sanchez reiterated that this IGA is being presented for renewal. Upon motion by Supervisor Salas, seconded by Chairman Sanchez, the Board approved Consent Agenda items “A” through “P” as follows:

- A. Approval to appoint Justin Marks to the Gila County Cooperative Extension Advisory Board through December 31, 2009.
- B. Approval of modifications to be made to the Community Room of the Payson College Campus to enhance the room’s acoustics.
- C. Approval of a request by the Bustle and Boots Square Dance Club to rent the Fairgrounds Exhibit Building on October 15-17, 2004.
- D. Approval for the renewal of an Intergovernmental Agreement between the Public Works Division and the San Carlos Apache Tribe whereby Gila County will provide maintenance on certain roads within the Tribe’s Tonto Association and Anchor Seven Association boundaries.
- E. Approval to renew a Dispatching Services Agreement between the Sheriff’s Department and the Christopher/Kohl’s Fire District whereby the Sheriff’s Department will provide dispatching, telephone answering and paging services to the Fire District for a period of one year, effective January 15, 2004.
- F. Approval of a #12 Liquor License Application (interim permit/new license), Gila County Order No. 04-01, submitted by Janice F. Jackson for Big Daddy’s Pizza and Subs located in Tonto Basin, Arizona.
- G. Approval of Amendment No. 10 to PY2001 WIA Title I Contract No. E5702004 between the Community Services Division and the Arizona Department of Economic Security to increase Rapid Response funds from \$3,647,012 to \$3,677,012.

- H. Approval to appoint Sylvia Ann Kuras, Arthur C. Buckner, Ernestina T. Reza, Mark Ernest Reza, Virginia Correa Creager, and Shirley Larson Dawson to the Gila County Democratic Party.
- I. Acknowledge the appointment of Randolph Robb to the Whispering Pines Fire District governing board of directors through November 30, 2004.
- J. Approve the reappointments of Peter J. DeNinno and J. Dee Flake as Judges Pro Tempore for the Payson and Globe Regional Justice Courts for a term of one year.
- K. Approve the appointment of John Perlman as Justice of the Peace Pro Tempore for Gila County for the period January 1, 2004, through December 31, 2004.
- L. Approve the appointments of Arthur E. Lloyd and Barry A. Standifird as Judges Pro Tempore for the Payson Regional Just Court for a term of one year.
- M. Approval of minutes from the February 17, 2004, Board of Supervisors meeting.
- N. Approval of January 2004 monthly departmental activity reports submitted by the Payson Regional Justice of the Peace, Clerk of the Superior Court and Gila County Recorder.
- O. Approval of reports/demands/transfers for the weeks of February 24, 2004, and March 2, 2004, as follows:

February 24, 2004 -

\$819,437.47 was disbursed for County expenses by voucher numbers X138371 through X138522 and X348690 through X349028. The hand-issued warrants listing is as follows: voucher number X138366 in the amount of \$50.00, voucher number X138367 in the amount of \$50.00, voucher number X138368 in the amount of \$50.00, and voucher number X348689 in the amount of \$3,415.00.

March 2, 2004 -

\$412,034.65 was disbursed for County expenses by voucher numbers X138523 through X138628 and X349047 through X349347. The hand-issued warrants listing is as follows: voucher number X349029 in the amount of \$10,000.

(An itemized list of vouchers is permanently on file in the Board of Supervisors office.)

P. Approval of personnel reports/actions for the weeks of February 24, 2004, and March 2, 2004, as follows:

February 24, 2004 –

Departure from County Service:

1. Sign Technician – Engineering – 02-20-04 – Engineering Services Fund - Jeffrey Jones – temporary position
2. Sign Technician – Engineering – 02-20-04 – Engineering Services Fund - Derek Marin – temporary position

Hire to County Service:

3. Payroll Specialist – Finance – 03-08-04 – General Fund - Kara Langley

Temporary Hire to County Service:

4. Clerk II – Recorder – 02-18-04 – General Fund - Renna Steele

Departmental Transfer:

5. Payroll Specialist to Senior Accounting Clerk – Finance – 03-08-04 – General Fund - Daphne Stevens

End Probationary Period:

6. J.P. Court Clerk I – Globe Justice Court – 02-23-04 – General Fund - Regina Casillas

7. Bailiff – Superior Court – 03-08-04 – General Fund - Timoteo Campos

Position Review:

8. Reclassification – Heavy/Auto Equipment Mechanic to Auto Mechanic I – Payson Shop – 02-23-04 – Shop Fund - Bradley Bennett – reclassify to equal Globe position

9. Reclassification – Custodial Worker to Custodial Supervisor – Facilities Management – 02-23-04 – Internal Services Fund – Rita Dibble
10. Increase in hourly rate – GED Proctor – Gila Community College – 02-16-04 – College Fund – Christine Parker
11. Anniversary Date Increase – 02-23-04 – Lynn Dee Trimble
12. Anniversary Date Increase – 03-08-04 – Debbie Stevens

March 2, 2004 –

Departure from County Service:

1. Operator II – Solid Waste Management – 03-08-04 – Enterprise Fund - Robert Prokop – Hire 07-14-03 – Resigned for other employment
2. Legal Secretary II – County Attorney – 02-23-04 – General Fund - Marilyn Mills – Hire 07-16-01 – Resigned without notice
3. Sanitarian II – Health – 02-29-04 – Health Services Fund - James Harrell – Hire 06-01-98 – Retirement
4. Transport Driver/Equip. Operator – Consolidated Roads – 02-27-04 – Public Works Fund - Walter Grantham – Hire 09-17-84 – Retirement

Hire to County Service:

5. Legal Clerk – Clerk of Superior Court – 03-08-04 – General Fund - Stacey Savage
6. Computer Services Specialist II – M.I.S. – 03-09-04 – M.I.S. Fund - Sarah Mirro
7. Deputy Probation Officer I – Probation – 03-08-04 – State Aid Enhancement Fund - Steven Zinsli

Temporary Hire to County Service:

8. Transcriptionist – County Attorney – 02-23-04 – General Fund - Amy Standage

Departmental Transfer:

9. Legal Clerk to IVD Courtroom Clerk – Clerk of Superior Court – 03-01-04 – General Fund - Jacque Durbin

End Probationary Period:

10. Personal Property Clerk – Assessor – 03-29-04 – General Fund - Marlana Naeter

Position Review:

11. Part-time to Full-time – Office Assistant – Engineering Services –
02-23-04 – Engineering Fund – Sine Scott

12. Anniversary Date Increase – 02-23-04 – Brett Bingham, Ken Doss,
Cassie Durnan, Jeannine Brockert, Jocelyn Horner, Pam Fisher, Pamela
Alvino, Peggy Cox, Sherry Jiminez

13. Anniversary Date Increase – 03-08-04 – John Root, Delores Stearns,
Kenneth Payne, David Slaughter, Nyra Hillary, William Rodgers, Jerry
Farr, Terry Solberg, Fletcher Petty, Kathleen Joerns, Terri Goode, David
Franquero, Lana Dever

Request Permission to Post:

14. Operator I – Buckhead Mesa Landfill – position vacated by Robert Prokop

15. Sanitarian II – Payson Health & Community Services – position vacated
by Jay Harrell

SHERIFF'S PERSONNEL ACTION ITEMS

Position Review:

16. Change Fund Code – Dispatcher-911 – Globe S.O. – 02-23-04 – General
Fund - Ameliz Cons

17. Anniversary Date Increase – 02-23-04 – James Carroll, Ivor Buller,
Robert Bigando, Mark Gruelle, Bonita Marcenkowski, Michael Lorka,
Brian Fogle

18. Anniversary Date Increase plus Merit Increase – 02-23-04 – Robert
Schuler, David Luhm, Johnny Holmes, Katherine Johnson

There being no further business to come before the Board of Supervisors,
Chairman Christensen adjourned the meeting at 11:36 a.m.

José M. Sanchez, Chairman

ATTEST:

John F. Nelson, County Manager/Clerk